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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,591

04/12/2005

David Woessner

60158-272

2653

7590
Karin H Butchko
Carlson Gaskey & Olds
Suite 350
400 W Maple
Birmingham, MI 48009

10/15/2009

EXAMINER

ROGERS, MARTIN K

ART UNIT

PAPER NUMBER

1791

MAIL DATE

DELIVERY MODE

10/15/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/501,591</p>	<p>Applicant(s) WOESSNER ET AL.</p>	
	<p>Examiner MARTIN ROGERS</p>	<p>Art Unit 1791</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-4, 7, 11-17, 26, and 28-36.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Richard Crispino/
Supervisory Patent Examiner, Art Unit 1791

MR

Continuation of 11. does NOT place the application in condition for allowance because: In regards to claims 5-7, Applicant argues on page 7 of the remarks that because the mold of Roberts is split, there is no reason to employ the vacuum. The examiner finds this unpersuasive because Roberts explicitly discloses that the two-part mold is just one embodiment and that a cylindrical mold can be used as well (Column 4, line 32).

Applicant further argues on page 7 of the remarks that in the example of the cylindrical tube, the body and the mandrel are inserted into a mold having a smooth inner bore so that the mandrel can be easily inserted and it therefore would not be obvious to utilize the vacuum required by Applicant. The examiner respectfully disagrees for the following reasons: First, the cylindrical mold is not solely used for the embodiment referred to by Applicant. Roberts discloses that the cylindrical tube is used in all embodiments (Column 4, lines 33-34). Second, Figure 1 of Sadr discloses using a vacuum with a cavity that also has a smooth inner bore. It is the examiner's position that one of ordinary skill in the art would still find it helpful to use a vacuum during the loading procedure.

Applicant argues in the middle of page 7 that nothing in the '622 patent discloses the need of a second end plug as the structure of the other end of the body is not disclosed. The examiner agrees that a second end plug is never explicitly disclosed. However, as stated in the final rejection, the examiner believes that the need for a second end plug is required by Roberts because Roberts discloses the need to inflate the interior of the hose. It was the examiner's position that if an end plug were required at one end of the hose in order to pressurize the interior of the hose, a skilled artisan would find it obvious to use a second plug to seal the opposite end of the hose.

Also on page 7, Applicant further states that the '840 patent does not disclose using plugs during the curing process because the hose is removed from the mold and cured in a steam chamber. However, as addressed in the final rejection, curing also occurs while the hose is in the mold (Column 4, lines 73-74 of the '840 patent).

No new limitations are added by Applicant's amendments to the claims, so they have been entered. The subject matter of previous claims 5 and 6 has been rewritten in independent form by being incorporated into claim 1. Therefore, a new grounds of rejection has not been used. The remainder of the claims is rejected for the same reasoning presented in the final rejection.